

## REMARKS/ARGUMENTS

### **Status of Claims**

Claims 10, 14-19, and 23-28 are pending in the application, with claims 10, 19 and 28 being the only independent claims. Independent claims 10 and 19 have been amended to include the features in the previously presented claims 11-13 and 20-22, respectively, which have been cancelled without prejudice or disclaimer. Claims 1-9 have been previously cancelled without prejudice or disclaimer. Claim 10 has been amended to remove informalities indicated in the Office Action without narrowing the scope of any claims or any elements contained therein. New claim 28 has been added, which corresponds to claim 10 as is previously presented. No new matter has been added.

Reconsideration of the subject application is respectfully requested.

### **Summary of the Office Action**

Claims 10-18 have been finally rejected under 35 U.S.C. § 112, second paragraph, for alleged informalities.

Claims 10-12, 17-21, and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kabout (USP 5,712,516) in view of Karita (USP 4,876,765).

Claims 13-14, 16, 22-23, and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kabout in view of Karita, and further in view of Tucker (USP 3,105,272).

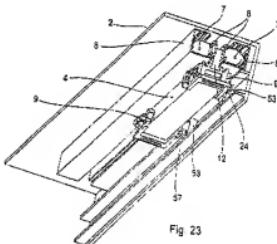
Claims 13-15 and 22-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kabout in view of Karita, and further in view of Redman (USP 5,070,575).

### **Subject Matter Described in the Specification**

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief description of the subject matter described in the present application is deemed

appropriate to facilitate understanding of the following arguments for patentability. The description is not meant to argue unclaimed subject matter.

The present application discloses a stabilizing arrangement for a drive carriage of a sliding door 5 movable by a linear drive 1 and the sliding leaf is suspended by magnetic forces. According to an embodiment, the linear drive 1 includes a stationary guide rail 3 mounted in a holder 2 (see para. [0017] and Fig. 1 of the application as originally filed). The guide rail 3 has C-shaped slide rails 6 which are spaced apart with their open sides facing away from one another (see para. [0018] and Fig. 1). Coils 7 are arranged on oppositely facing open sides of the C-shaped slide rails 6 (see para. [0018] and Fig. 1).



The linear drive 1 also includes a guide carriage 4 displaceable in the guide rail 3 (see para. [0017] and Fig. 1). The guide carriage 4 includes a supporting rail 10 connected to a holding member 12 (see para. [0019] and Fig. 2). A portion of the guide carriage 4 is located between the slide rails 6. Magnets 13 are received in the holding member 12 and cooperate with the coils 7 to form a holder and a drive for the sliding door 5 (see para. [0019]). The sliding door 5 is connected to the guide carriage 4 (see, e.g., Figs. 10-13) to be movable in the direction of the guide rail 3.

At least one supporting roller 53 is formed for supporting the guide carriage 4 on a guide track 57 when the guide carriage 4 is not fully suspended by said magnetic forces (see Fig. 23).

#### **Amendments Addressing Informalities**

Independent claim 10 has been amended to address the alleged informalities. More specifically, independent claim 10 now states that the door leaf is fixed to the guide carriage and that the guide carriage and the door leaf are movable in a direction parallel to the guide track. The claim language is “open” such that other movements of the guide track are not excluded.

With respect to the rejection of the features “said permanent magnets ... and said coils,” applicant has amended claim 10 to recite that “the guide carriage, with the fixed door leaf, is suspended at least partially by a magnetic force between said permanent magnets and said stator arrangement.”

As applicants disclose in the original specification:

Magnets 13 are received in this holding member 12 and, together with the coils 7 mounted at the C-shaped slide rails 6, form a holder and a drive for the sliding door 5. (See, para. [0019].)

....

The sliding door 5 is held exclusively by the force generated by the coils 7 and the magnets 13 and moves forward or backward depending on the generated magnetic field. (See, para. [0042].)

In light of the above disclosure, one skilled in the art will appreciate that the door suspension is realized through the interaction between the magnets 13 in the guide carriage 4 and the slide rails 6, to which the coils 7 are attached. Accordingly, independent claim 10 clearly recites the subject matter of the present invention.

The 35 U.S.C. § 112 rejections of claim 10-18 are thus believed to have been overcome.

### **Patentability of the Invention**

#### Independent Claim 10

Independent claim 10 recites, *inter alia*, that “two supporting rollers supported at least at times on said guide track.”

As stated in MPEP § 2143, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385 (2007), when a rejection is made combining prior art element, the Examiner must articulate (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior

art reference; and (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. Furthermore, MPEP § 2143.01.VI states that the proposed modifications can not change the principles of operation of a reference, citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The Office Action acknowledges that “Kabout is silent concerning a supporting roller which supports the guide carriage on the guide track” (see, page 3 of Office Action). The Office Action however cites Karita’s roller 121 to remedy Kabout’s deficiencies. Applicants disagree because the rollers of Karita are not merely combinable in the arrangement of Kabout without other substantial reconstruction of the elements in the primary reference (Kabout), as will be described in more detail below.

Kabout teaches a stator element 15 for suspension of a door panel 1. The stator element 15 includes a guide strip 11 with a guide 14 on the underside of the guide strip 11. A guide wheel 12 mounted on the door panel 1 runs in the guide 14, which the Office Action interprets as the claimed guide track. Without admitting or disputing such interpretation by the Office Action, applicants submit that Kabout’s guide carriage (not numbered but attached to the top of door panel 1) cannot be modified to include Karita’s roller 121 or roller arrangement, as suggested in the Office Action.

In Kabout, the guide 14 on the guide strip 11 has an open end facing downward (see Fig. 2 of Kabout). Consequently, even if the rollers of Karita were added to the carriage of Kabout, the rollers of Karita could not be supported on the guide track 14. In other words, Kabout’s guide 14 (interpreted by the Office Action as the claimed guide track) cannot support the roller 121 in Karita’s roller arrangement, as the claimed guide track supports the claimed supporting

rollers in independent claim 10. Therefore, Kabout and Karita are not combinable to arrive at the claimed invention.

Moreover, no part of Kabout's stator element 15 can be modified to include Karita's roller 121 or roller arrangement. For example, the guide plate 11 in the stator element 15 is received in a profile 19, which is wholly filled with a resin 20 (see, col. 2, ll. 44-46 and Fig. 2 of Kabout). In other words, the guide plate 11 is entirely encased by both the resin and the profile 19. Consequently, Kabout's guide plate 11 cannot support the roller 121 in Karita's roller arrangement, as the claimed guide track supports the claimed supporting rollers in independent claim 10. Therefore, Kabout and Karita are not combinable to arrive at the claimed invention for the above additional reasons.

Tucker and Redman were cited in the Office Action against the claim features concerning the bearing shaft and do not cure the deficiencies of Kabout and Karita.

In view of the above, independent claim 10 patentably distinguishes over the cited art.

#### Independent Claim 19

Independent claim 19 includes similar limitations to those of independent claim 10, and is allowable over the prior art of record for at least the same reasons.

#### Independent Claim 28

Similar to independent claim 10, new independent claim 28 recites "at least one supporting roller supporting said guide carriage on said guide track when said carriage is not fully suspended by said magnetic forces." Therefore, new independent claim 28 is allowable for the same reasons that independent claim 10 is allowable.

#### Dependent Claims 14-18 and 20-27

Claims 14-18 and 20-27 depend, directly or indirectly, from allowable independent claim 10 and are therefore allowable therewith.

In addition, dependent claims 14-18 and 20-27 each include features that serve to even more clearly distinguish the claimed invention over the applied prior art.

### **Conclusion**

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,  
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